

Amendments to the Drawings:

In both FIGs. 3 and 4, the diameter of the central opening (306) has been decreased and the lead-in opening (304) has been increased to overcome the Examiner's objection. In addition, in FIG. 5, the lead-in opening (304) has been amended to be consistent with the opening shown in FIGs. 3 and 4, which should overcome the Examiner's objection. Finally, Applicants have removed from the claims any reference to the cavities being spherical, which obviates the Examiner's objection.

REMARKS/ARGUMENTS

Claims 1-3, 5, 8-11, 14 and 15 remain pending in the application, as claims 4, 6, 7, 12, 13, 16 and 17 have been canceled without prejudice. In the Office Action, FIGs. 3-5 were objected to for various reasons, and Applicants have addressed these objections on page 2 and have enclosed two replacement sheets for the drawings. Also, claim 17 was objected to because of an informality. Applicants have canceled claim 17, so the objection is moot. Claims 11-17 were rejected under 35 U.S.C. 112, second paragraph, as being indefinite in view of insufficient antecedent basis in claim 11. Applicants have amended claim 11 to overcome the objection.

Claim 1 was rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent Application Publication No. 2005/0115999 to Johnson (Johnson). Claims 2, 3, 11 and 12 were rejected under 35 U.S.C. 103(a) as being unpatentable over Johnson in view of U.S. Patent No. 6,793,108 to Williams, Jr. (Williams). Finally, claims 4-10 and 13-17 were rejected under 35 U.S.C. 103(a) as being unpatentable over Johnson in view of Williams and further in view of U.S. Patent No. 6,502,794 to Ting (Ting).

Independent claim 1 has been amended to clarify that the belt clip member and the swivel base members each include a cavity and the first end of the two-ended swivel member is located within the belt clip component's cavity. This claim has also been amended to clarify that the second end of the two-ended swivel member is located within the swivel base component's cavity such that the two-ended swivel member can be placed in a first position in which its first and second ends can rotate within their corresponding cavities. Claim 1 also now recites that in a second position, the two-ended swivel member is locked in place using the at least one radiating channels found

in the belt clip member and the swivel base member. Independent claim 11 has also been similarly amended.

Applicants submit that none of the cited prior art references - either individually or in combination with one another – describe, show, illustrate or even suggest such a feature. In particular, a phone that is attached to the clip of Johnson will assume only one position: a position where the phone is permitted to freely rotate or otherwise be moved with little or no restriction (see FIGs. 1H, 1I, 5J, 6C, 6F and 11). Moreover, there is no suggestion or motivation to replace the capture zone (311) of Johnson with the rear part (21) of Ting. In fact, Johnson teaches against such a combination because to do so would violate the basic teaching of Johnson: to minimize an outward profile of the phone when attached to the clip by allowing the phone to hang at least partially below the clip without interfering with the user's ability to view the phone display in a correct orientation (see paragraphs 0196, 0254 and 0255 of Johnson).

As such, Applicants submit that independent claims 1 and 11 are patentable over the prior art. Applicants also believe that those claims that depend from these independent claims are patentable, both based on their dependencies on the independent claims and their patentability on their own. Reconsideration and withdrawal of the rejection of the claims is respectfully requested. Passing of this case is now believed to be in order, and a Notice of Allowance is earnestly solicited.

No amendment made was related to the statutory requirements of patentability unless expressly stated herein. No amendment made was for the purpose of narrowing the scope of any claim, unless Applicants have argued herein that such amendment was made to distinguish over a particular reference or combination of references.

In the event that the Examiner deems the present application non-allowable, it is requested that the Examiner telephone the Applicants' attorney or agent at the number indicated below so that the prosecution of the present case may be advanced by the clarification of any continuing rejection.

The Commissioner is hereby authorized to charge any necessary fee, or credit any overpayment, to Motorola, Inc. Deposit Account No. 50-2117.

Respectfully submitted,

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